

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MUSTAFA NAQIB,	)	CASE NO. 3:05 CV 7010
	)	
Petitioner,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
JOHN ASHCROFT, <i>et al.</i> ,	)	
	)	
Respondents.	)	<b><u>REPORT &amp; RECOMMENDATION</u></b>

This matter comes before the Court on the order of referral for report and recommendation<sup>1</sup> on petitioner Mustafa Naqib's petition for writ of habeas corpus.<sup>2</sup> In that petition Naqib seeks release from detention pending removal from the United States.<sup>3</sup>

In response to the Court's show cause order of March 28, 2005,<sup>4</sup> respondents filed their return of writ.<sup>5</sup> In their memorandum in support, Respondents informed the Court that the Immigration and Customs Enforcement ("ICE") has notified them that Naqib was deported on or about February 16, 2005.<sup>6</sup>

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<sup>1</sup> ECF # 4.

<sup>2</sup> ECF # 1.

<sup>3</sup> *Id.*

<sup>4</sup> ECF # 5.

<sup>5</sup> ECF # 7.

<sup>6</sup> *Id.*

Upon consideration whereof, since Naqib has been removed from the United States of America, the Magistrate Judge recommends the dismissal of the petition as moot.<sup>7</sup>

Dated: September 20, 2006

s/ William H. Baughman, Jr.

United States Magistrate Judge

### **Objections**

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.<sup>8</sup>

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<sup>7</sup> *Enazeh v. Davis*, 107 F. App'x 489, 491 (6th Cir. 2001).

<sup>8</sup> See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).